

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

SAHAMITR PRESSURE,)	
CONTAINER PLC.,)	
)	
Plaintiff-Appellant,)	
)	
WORLDWIDE DISTRIBUTION,)	
LLLP,)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES,)	
WORTHINGTON ENTERPRISES,)	
INC.,)	
Defendants-Appellees.)	

No. 24-2043

DEFENDANT-APPELLEE’S RESPONSE TO THIS COURT’S ORDER

Defendant-appellee, the United States, respectfully submits this response to the Court’s August 15, 2024 order directing the parties to “identify the source of this court’s jurisdiction over” plaintiff Worldwide Distribution, LLLP’s ability to participate in this case as an appellant. ECF No. 18 at 3.

This Court does not have jurisdiction over Worldwide Distribution’s ability to participate as an appellant. We agree with the Court’s reliance on 28 U.S.C. §§ 2107(b), 2645(c) and Fed. R. App. P. 3(c) to require parties to file a notice of appeal within 60 days of a final decision that specify the party taking the appeal. *See* ECF No. 18 at 2. Here, Worldwide Distribution failed to file a notice of appeal. This Court has held that, in a similar situation, a party could not participate as an appellant

in *Armstrong Rubber Co. v. United States*, 781 F.2d 889 (1986). In *Armstrong Rubber*, defendant-intervenors at the U.S. Court of International Trade failed to file a notice of appeal. *Id.* at 890. When those same defendant-intervenors moved to intervene into an appeal to this Court, this Court held that, “having failed to file a notice of appeal, movants’ motion to participate in this appeal as appellant must be denied.” *Id.* at 891.

Accordingly, we respectfully request that the Court not take jurisdiction over Worldwide Distribution’s attempt to participate as an appellant.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. MCCARTHY
Director

/s/ Tara K. Hogan
TARA K. HOGAN
Assistant Director

/s/ Collin T. Mathias
COLLIN T. MATHIAS
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-2312

Attorneys for Defendant-Appellee

September 14, 2024

CERTIFICATE OF COMPLIANCE

I certify that, pursuant to Fed. R. App. Procedure 32(g), this response complies with the type-volume limitation. This response was prepared using Microsoft Word Garamond 14-point font. In making this certification, I have relied upon the word count function of the Microsoft Word processing system used to prepare this brief. According to the word count, this response contains 231 words.

/s/ Collin T. Mathias

Collin T. Mathias
Trial Attorney
September 14, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September 2024, a copy of the foregoing “DEFENDANT-APPELLEE’S RESPONSE TO THIS COURT’S ORDER,” was filed electronically.

 X This filing was served electronically to all parties by operation of the Court’s electronic filing system.

/s/ Collin T. Mathias

Collin T. Mathias